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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/581,185	07/09/2008	Peter Baumlerr	047.0075	3227
3404 7590 10/05/2010 PURDUE LAW OFFICES 2735 N. HOLLAND-SYLVANIA ROAD SUITE B-2 TOLDEO, OH 43615				
EXAMINER				
PATEL, VINOD D				
ART UNIT		PAPER NUMBER		
3742				
MAIL DATE		DELIVERY MODE		
10/05/2010		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/581,185

**Applicant(s)**

BAUMLER, PETER

**Examiner**

VINOD D. PATEL

**Art Unit**

3742

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 June 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 10-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 10-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/CD)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

***Arguments/Amendments***

1. Applicant's arguments/amendments have been fully considered but they are not persuasive as for the following reason:

***Specification***

2. It is noted that on page 2 of the Reply filed 6/22/2010 which includes an amendment to the specification by "adding the abstract on a separate page". However, the abstract on a separate sheet has not yet been provided. Applicant need to provide the separate page as such **abstract on a separate sheet** is required. The objection to the abstract set forth in the previous office action is remained.

The incorporation of essential material in the specification by reference to an unpublished U.S. application, foreign application or patent, or to a publication is improper. Applicant is required to amend the disclosure to include the material incorporated by reference, if the material is relied upon to overcome any objection, rejection, or other requirement imposed by the Office. The amendment must be accompanied by a statement executed by the applicant, or a practitioner representing the applicant, stating that the material being inserted is the material previously incorporated by reference and that the amendment contains no new matter. 37 CFR 1.57(f). It is noticed that on page 5, incorporated by reference to the German patent application 10310088.1 the entirely appears to be improper.

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

**Arrangement of the Specification**

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
  - (1) Field of the Invention.
  - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

The disclosure is objected to because of the following informalities: each part of the specification should be preceded by one of the headings set forth above in conform with U.S. practice.

Appropriate correction is required.

***Drawings***

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the voltage source

(which has poles of different polarity) and the heating wires have essentially the same lengths as recited in claims 10 and 14 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 10-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 10, the phrase "a set of heating wires...same lengths" (lines 4-7) renders the claim indefinite because it is unclear if "their longitudinal direction" referred to the longitudinal direction of the bus bars or the heating wires. The term "busbars" should be "bus bars" and "their longitudinal direction" should be "their longitudinal directions" (since there are more than one). It is also unclear for what "spaced apart a short distance from one another". Is it the heating wires or the bus bars? Clarification is needed.

In claim 12, there is insufficient antecedent basis for "the laying direction" (lines 2-3) in the claim or from the preceding claim.

In claim 13, it is noted that there are reference numbers (e.g. "(5)" and "(2)") assigned for "a side edge" and "the base edge". These numbers are not used in the preceding claim. Therefore, there is insufficient antecedent basis for "the base edge (2)" in the claim or from the preceding claim. It is suggested to delete this numbers for consistency purposes and avoiding any further confusion.

Claim 14 appears to be indefinite as for the similar reason set forth in claim 10 above. Appropriate correction is needed.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 10-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Gillner et al. (US6914224).

With respect to claim 10, Gillner et al. discloses a heatable glass pane (1) comprising

two contact bus bars (3, 4) for connection to voltage source of different polarity, said two contact bus bars being located parallel to a base of the heatable glass pane (1), and

a set of heating wires (2), which are in electrical contact with the contact bus bars (3, 4), wherein said bus bars (3, 4) are arranged essentially in a line in their longitudinal directions (**Figure 1 show bus bars (3) and (4) in the longitudinal direction**) and spaced apart short distance from one another and at least the heating wires have essentially the same lengths (i.e., in the region on the right above the bus bars as shown in Figure 1 also as noted below).

U.S. Patent

Jul. 5, 2005

US 6,914,224 B2

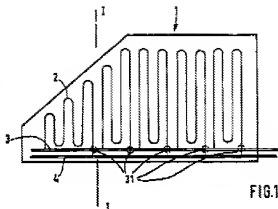


FIG. 1

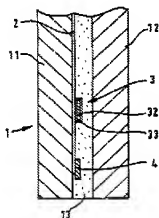


FIG. 2

With respect to claim 11, Gillner et al. discloses the heating wires are laid without any points of intersection in relation to one another, and wherein said heating wires comprise an outermost heating wire which makes contacts with the contact busbars at their outer ends, facing away from one another, and wherein said heating wires further comprise a plurality of inner heating wires, and wherein said inner heating wires are laid out so that they have at least one compensation loop as shown in Figures 1-2.



With respect to claim 12, Gillner et al. discloses the compensation loops are produced by at least two changes in direction of the laying direction, and wherein the heating wires, after each change in direction, extend essentially in the opposite direction and parallel to the laying direction before the change in direction as shown in Figures 1-2.

With respect to claim 13, Gillner et al. discloses the heating wires have straight laid sections between the changes in direction, and wherein these straight laid sections are essentially parallel to a side edge of said glass pane adjacent to the base edge of said glass pane as shown in Figures 1-2.

With respect to claim 14, Gillner et al. discloses a heatable glass pane (1) comprising  
two contact bus bars (3, 4) for connection to voltage source of different polarity, said two contact bus bars being located parallel to a base of the heatable glass pane (1), and

a set of heating wires (2), which are in electrical contact with the contact bus bars (3, 4), wherein said bus bars (3, 4) are arranged essentially in a line in their longitudinal direction, spaced apart short distance from one another and the heating wires have essentially the same length and the heating wires are laid without any points of intersection in relation to one another (heating wires does not intersect with one another) as showing Figures 1.

With respect to claim 15, Gillner et al. discloses said heating wires comprise an outermost heating wire which makes contacts with the outermost busbars at their outer

ends, facing away from one another, and wherein said heating wires further comprise a plurality of inner heating wires, and wherein said inner heating wires are laid out so that they have at least one compensation loop as shown in Figures 1.

#### **REMARKS**

8. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to VINOD D. PATEL whose telephone number is (571)272-4785. The examiner can normally be reached on 7.15 A.M. TO 3.45 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tu B. Hoang can be reached on 571-272-4780. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Vinod D. Patel/ 9/27/10

Examiner, Art Unit 3742

/TU B HOANG/

Supervisory Patent Examiner, Art Unit 3742